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C O N F I D E N T I A L BRASILIA 002767

SIPDIS

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TAGS: [MOPS](#) [PREL](#) [PTER](#) [PHUM](#) [PREF](#) [PINR](#) [BR](#) [TIP](#)

SUBJECT: BRAZIL: REQUEST FOR RESETTLEMENT ASSISTANCE FOR
DETAINEES AT GUANTANAMO

REF: A. STATE 183800

[¶](#)B. BRASILIA 1396

Classified By: Political Officer Bisola Ojikutu for Reasons 1.4
(b) and
(d)

[¶](#)1. (U) This is an action cable. Please see paragraph four
for action request.

[¶](#)2. (U) On October 13, poloff delivered reftel talking points
to Marcelo Bohlke at Brazil's Ministry of External Relations
United Nations Division (DNU). Poloff also provided points
to Marcia Ramos at the Ministry's Human Rights Division (DDH)
and Marcelo Fagundes at the International Organizations
Division (DOI) on October 14.

[¶](#)3. (C) Ramos told poloff that the GOB cannot accept
Guantanamo Bay migrants because it is illegal to designate
someone not on Brazilian soil a refugee. According to the
Brazilian National Committee for Refugees (CONARE), refugee
status in Brazil for an applicant abroad is not usually
granted until after the refugee has received refugee status
from the country where the refugee is located when
petitioning for status in Brazil (in this case, the U.S.).
The GOB and CONARE believe that the migrants at Guantanamo
Bay do not fit into this category because the USG has not
"formally recognized" them as refugees. If they were
formally recognized, the USG would allow resettlement in the
U.S., a CONARE representative told poloff during a similar
discussion in May. CONARE also told poloff that the GOB's
position on accepting refugees from Guantanamo Bay,
regardless of nationality, has not changed since 2003 and
will likely not change in the foreseeable future.

[¶](#)4. (SBU) Action Request: Bohlke said he understood the
urgency of our request, he told poloff that the GOB would
"probably not" be able to resettle the Uighurs due to
Brazilian regulations. However, Bohlke told poloff that
before providing a definitive response to our request, he
would like an explanation as to why Uighurs are not eligible
for refugee status or resettlement in the U.S. Post would
appreciate guidance from the Department regarding Bohlke's
request.

COMMENT:

[¶](#)5. (C) Post has discussed the resettlement of Guantanamo Bay
detainees on numerous occasions and at a variety of levels,
including U/S Grossman, since 2003. Given Brazilian
legislation and CONARE's and the GOB's comments, it does not
appear that the GOB will accept Uighurs detainees if they are
not granted refugee status by the USG. And, even if the
Uighurs were granted such status by the U.S., we expect the
Brazilians would argue that they should then be resettled in
the U.S.

DANILOVICH